

IN THE UNITED STATES DISTRICT COURT      FILED: 11/10/08  
FOR THE EASTERN DISTRICT OF TEXAS      U.S. DISTRICT COURT  
SHERMAN DIVISION      EASTERN DISTRICT COURT  
DAVID J. MALAND, CLERK

UNITED STATES OF AMERICA      §  
v.      §      CASE NO. 4:03CR20  
MICHAEL SEAN MCCABE      §  
§

**MEMORANDUM ADOPTING REPORT AND  
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the above-referenced criminal action, this court having heretofore referred the request for modification of Defendant's supervised release to the United States Magistrate Judge for proper consideration. The court has received the report of the United States Magistrate Judge pursuant to its order. As Defendant has waived his right to object, the court is of the opinion that the findings and conclusions of the Magistrate Judge are correct. Therefore, the court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the court. It is, therefore,


**ORDERED** that the Magistrate Judge's Report is **ADOPTED** as the opinion of the court.

It is further **ORDERED** that Defendant's supervised release is hereby **REVOKED**.

It is further **ORDERED** that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of six (6) months, with no supervised release to follow. The court further recommends that Defendant carry out his term of imprisonment at a Bureau of Prisons facilities near or close to Dallas, Texas, if possible.

**IT IS SO ORDERED.**

SIGNED this 7<sup>th</sup> day of November, 2008.

  
RICHARD A. SCHELL  
UNITED STATES DISTRICT JUDGE